

IV. CONCEPT PLAN IMPLEMENTATION

A. Zoning

The present Commission's land use management subdistrict (M-GN) and protection subdistrict (P-GP, P-SL, P-WL, P-FW, and P-SG) for the Lake Concept Plan Area will be modified to Resource Plan Protection Subdistrict (P-RP). The extent of these areas and the zones that the P-RP designation replaces are shown on Map #5.

1. Purpose

The purpose of the Kingsbury Plantation Resource Plan Protection Subdistrict is to provide for the efficient and effective management of the subdistrict and to provide for the protection of those resources in the subdistrict in need of protection.

2. Description of Subdistrict

The subdistrict covers 11,920 +/- acres of land. The subdistrict lies entirely within Kingsbury Plantation, lying 5 miles to the west of Abbot Village, 10 miles northwest of Guilford and 25 miles south of Greenville. The south boundary line borders State Rte. 16 and includes 3.8 miles of road frontage; the east boundary line borders the so-called "Happy Corner Road" and Abbot town line; the north boundary line borders the Blanchard Township municipal line; and the west boundary line borders the Mayfield Township municipal line and several individual property owners. This subdistrict includes 3 miles of shoreline and is depicted on the Concept Plan Map #5. The subdistrict does not include the existing six (6) outlots on Whetstone Pond, which shall remain as presently zoned.

3. Duration

The duration of this subdistrict shall be fifteen (15) years from the effective date hereof.

4. Extension

Prior to its expiration, the Concept Plan may be renewed and extended upon approval of the Commission and the applicant. The applicant must provide the Commission with written notice of whether it intends to extend or renew the Plan one (1) year prior to the expiration of this Lake Concept Plan. If the Lake Concept Plan is proposed for renewal, the renewed Plan must be substantially complete and submitted to the Commission six (6) months prior to the current Lake Concept Plan's expiration date. If the applicant or the Commission do not wish to renew the Plan, or cannot agree upon the terms of a renewal, the Commission will, in conformity with its Comprehensive Land Use Plan, statutes, and standards, designate appropriate zoning subdistricts for those areas encompassed by this Lake Concept Plan to become effective upon expiration of this Plan.

5. Effective Date

The effective date of this Subdistrict shall be the date of approval of the Concept Plan by the Land Use Regulation Commission. All references to the Commission's Rules and Standards herein shall mean those rules and standards in effect as of the date of approval of the Concept Plan, copies of which are attached hereto as Appendices.

B. Phasing of Development and Conservation

The phasing in of the conservation and development measures proposed in this concept plan shall occur as follows:

Rights to Permanent Conservation Easement within the Lake Concept Plan Boundaries

Following approval of the concept plan by the Land Use Regulation Commission, Linkletter & Sons, Inc. will grant a permanent conservation easement, in perpetuity, (see Section IV Draft Conservation Easement) to the easement holder SWOAM, on approximately 1,055 +/- acres of the shorelines of the Whetstone Pond, Foss Pond, Hilton Ponds, and Thorn Brook.

This area contains 23,900 feet of shoreline.

The approval of the Lake Concept plan allows the development of the shoreland and woodland lots proposed within this plan provided the landowner submits information normally required for applicable permit approvals, as appropriate, and obtaining such approvals from the Land Use Regulation Commission, prior to proceeding with development.

Proposed Subdivision Permit Submittal

Phase I	3 fee lots on Whetstone Pond & 3 woodland lots (Spring 2005)
Phase II	7 lease lots on Foss Pond (Spring 2005)
Phase III	6 fee lots on Whetstone Pond (Summer/Fall 2005)
Phase IV	8 lease woodland lots (Lots permitted as demand dictates)
	11 lease lots on Thorn Brook (Lots permitted as demand dictates)

C. Land Use Standards Applicability

Any allowed uses shall be governed by the following:

1. Existing Lots and Structures:

- a. Protection Subdistricts and Land Use Standards included in Part D, below;
- b. Appendix 2 through 5, except for existing conditions;
- c. Appendix 6 Nonconforming Uses and Structures; and
- d. Appendix 7 Notification Format

2. New Lots and Structures:

- a. Protection Subdistricts and Land Use Standards included in Part D, below;
- b. Appendix 1 Development Restrictions and Covenants;
- c. Appendix 2 through 5, except for existing conditions; and
- d. Appendix 7 Notification Format

3. Prohibited Uses

All uses not expressly allowed, with or without a permit, shall be prohibited.

If none of the above standards provide guidance, then LURC's Land Use Rules and Standards effective at the time of a ruling may be used as guidance in determining whether a proposal is permitted.

In cases where two or more provisions of this document apply to a particular structure, use, or lot, the more restrictive provision shall control.

D. Land Use Standards Applicable to the Concept Plan Resource Plan Protection (P-RP) Subdistrict

1. The following land use standards apply to all areas within the P-RP subdistrict except those areas designated Wetland Protection (P-WL), Shoreland Protection (P-SL), Fish and Wildlife Protection Subdistrict (P-FW) and Soils and Geology (P-SG) on Map 5 of the Concept Plan or as described in sections D.2, D.3, D.4,

a. Uses Allowed Without a Permit

Subject to the requirements and limitations set forth herein and all applicable Development Restrictions and conservation easements,

The following uses shall be allowed without a permit from the Commission within subdistricts:

- (1) Emergency operations conducted for the public health, safety or general welfare, such as resource protection, law enforcement, and search and rescue operations;
- (2) Forest management activities, except for timber harvesting within 250 feet of a Great Pond;
- (3) Motorized vehicular traffic on roads and trails, and snowmobiling;
- (4) Non-permanent docking structures;
- (5) Primitive recreational uses, including fishing, hiking, hunting, wildlife study and photography, wild crop harvesting, trapping, horseback riding, tent and shelter camping, canoe portaging, cross country skiing, and snowshoeing;
- (6) Surveying and other resource analysis;
- (7) Trails, provided they are constructed and maintained so as to reasonably avoid sedimentation of water bodies; and
- (8) Wildlife and fishery management practices.

b. Uses Allowed Without a Permit Subject to Standards

Subject to the requirements and limitations set forth herein and all applicable Development Restrictions (Appendix 1), conservation easements, and Land Use Standards contained in the Appendices herein (Appendix 2 -8), the following uses shall be allowed without a permit from the Commission:

- (1) Creation, alteration or maintenance of constructed ponds of less than 4,300 square feet in size, which are not fed or drained by flowing waters, provided they are constructed and maintained in conformance with the vegetative buffer strip requirements of Appendix 5,A;
- (2) Driveways associated with residential uses;
- (3) Filling and grading;

- (4) Land management roads, and water crossings of minor flowing waters; and Land management roads located greater than 250 feet from a Great Pond in accordance with the guidelines in Chapter 15 of the Commission's rules;
- (5) Level A mineral exploration activities, including associated access ways;
- (6) Level A road projects;
- (7) Public hand-carry launches;
- (8) Service drops;
- (9) Signs; and
- (10) Timber harvesting;
- (11) The operation of machinery and the erection of buildings including buildings to store equipment and materials for maintaining roads and other structures used primarily for forest management activities at distances greater than 250' from a Great Pond; and
- (12) Mineral extraction for road purposes less than 5 acres in size and located greater than 250' from a Great Pond.

c. Uses Requiring a Permit

Subject to the requirements and limitations set forth herein and all applicable Development Restrictions (Appendix 1), conservation easements, and Land Use Standards contained in the Appendices herein (Appendix 2-8), the following uses may be allowed within this subdistrict upon issuance of a permit from the Commission pursuant to 12 MRSA Section 685-B, and in accordance with this concept plan:

- (1) Campsites;
- (2) Driveways associated with non-residential uses; driveways associated with residential uses which are not in conformance with Appendix 5, F;
- (3) Filling and grading, which is not in conformance with Appendix 5,E and draining, dredging and alteration of the water table or water level for other than mineral extraction;
- (4) Parking areas, roads, signs and similar facilities associated with public hand-carry launches
- (5) Land management roads and water crossings of minor flowing waters which are not in conformance with Appendix 5,C; water crossings of bodies of standing water and of major flowing waters;
- (6) Level A mineral exploration activities located greater than 250 feet from a Great Pond, including associated access ways, which are not in conformance with Appendix 5,B;
- (7) Level B and C road projects, except for water crossings of minor flowing waters as provided for in D,1.b(4), above;
- (8) Level B mineral exploration activities located greater than 250 feet from a Great Pond;
- (9) Mineral extraction operations, located greater than 250' from a Great Pond, and

- (a) affecting an area less than 5 acres in size and which are not in conformance with the standards of Appendix 5,C;
 - (b) affecting an area between 5 and 30 acres provided the unreclaimed area is less than 15 acres; and structures essential to the extraction activity having a total gross floor area of no more than 2,000 square feet; and
 - (c) Portable mineral processing equipment.
- (10) Non-commercial structures for scientific, educational and/or nature observation purposes, which are not of a size or nature which would adversely affect the resources protected by this subdistrict;
 - (11) Residential: Single family dwellings;
 - (12) Subdivisions;
 - (13) Shoreland alterations, excluding marinas, permanent docking facilities, water-access ways, trailered ramps, hand-carry launches and water crossings of minor flowing waters;
 - (14) Signs that are not in conformance with Appendix 5,H.
 - (15) Timber harvesting which is not in conformance with Appendix 5,D.
 - (16) Hand-carry launches addressed above which are not in conformance with the standards Appendix 5,I, and private hand-carry launches;
 - (17) Utility facilities other than service drops serving uses authorized under these standards or under this Concept Plan;
 - (18) Other structures, uses, or services that are essential for uses listed in Section D, 1. a through c above; and
 - (19) Other structures, uses, or services, which the Commission determines, are consistent with the purposes of this subdistrict and of the Comprehensive Land Use Plan and are not detrimental to the resources or uses which they protect.

d. Prohibited Uses

All uses not expressly allowed, with or without a permit or by special exception, shall be prohibited in P-RP subdistricts.

P-WL Wetland Protection Subdistrict

2. The following land use standards apply for all those areas within the P-RP subdistrict designated Wetland Protection (P-WL) on Map 5 of the Concept Plan, or those areas identified as wetlands when on-site delineation is required. Surface water bodies and areas meeting the description of wetlands, below, shall also be regulated by the land use standards of this subsection.

a. Description

(1) P-WL1: Wetlands of special significance:

- (a)** Areas enclosed by the normal high water mark of flowing waters, stream channels, and bodies of standing water, except for constructed ponds less than 10 acres in size which are not fed or drained by flowing waters;
- (b)** Freshwater wetlands, as follows:
 - (i)** Within 250' of a coastal wetland or of the normal high water mark of any body of standing water greater than 10 acres;
 - (ii)** Containing at least 20,000 square feet in total of the following: aquatic vegetation, emergent marsh vegetation, or open water, unless the wetlands are the result of constructed ponds less than 10 acres in size which are not fed or drained by flowing waters;
 - (iii)** That are inundated with floodwater during a 100 year flood event;
 - (iv)** Containing significant wildlife habitat;
 - (v)** Consisting of, or containing, peatlands, except that the Commission may determine that a previously mined peatland, or portion thereof, is not a wetland of special significance; or
 - (vi)** Within 25' of a stream channel.

(2) P-WL2: Scrub shrub wetlands, as follows:

- (a)** Scrub shrub and other nonforested freshwater wetlands, excluding those covered under P-WL1; and
- (b)** Constructed ponds less than 10 acres in size which are not fed or drained by flowing waters.

(3) P-WL3: Forested freshwater wetlands, excluding those covered under P-WL1 and P-WL2.

Areas meriting protection as P-WL1, P-WL2, or P-WL3 subdistricts will be identified by the Commission after consideration of relevant data including,

without limitation, identification of freshwater and coastal wetlands 15,000 square feet or larger by the National Wetlands Inventory and, when on-site delineation is required, identification of freshwater and coastal wetlands of any size by methods described in the "Corps of Engineers Wetlands Delineation Manual" (1987).

Wetlands identified on Map 5 of this Concept Plan may contain inclusions of upland areas or other wetland types smaller than 15,000 square feet that do not conform to the description of wetlands, above. Such inclusions will be regulated in accordance with the Section D.2 of this Concept Plan.

b. Uses Allowed Without a Permit

Subject to the requirements and limitations set forth herein and all applicable deeded covenants (Appendix 1), conservation easements, and Land Use Standards contained in the Appendices herein (Appendix 2-8), the following uses are allowed without a permit from the Commission:

- (1) Boating;
- (2) Emergency operations conducted for the public health, safety or general welfare, such as resource protection, law enforcement, and search and rescue operations;
- (3) Fish weirs and traps;
- (4) Forest management activities except for timber harvesting;
- (5) Land management roads in P-WL3 subdistricts;
- (6) Motorized vehicular traffic on roads and trails, and snowmobiling;
- (7) Non-permanent docking;
- (8) Primitive recreational uses, including fishing, hiking, hunting, wildlife study and photography, wild crop harvesting, trapping, horseback riding, tent and shelter camping, canoe portaging, cross country skiing, and snowshoeing;
- (9) Surveying and other resource analysis;
- (10) Trails, provided they are constructed and maintained so as to reasonably avoid sedimentation of water bodies;
- (11) Use of sea or ski planes; and
- (12) Wildlife and fishery management practices.

c. Uses Allowed Without a Permit Subject to Standards

Subject to the requirements and limitations set forth herein and all applicable Development Restrictions (Appendix 1), conservation easements, and subject to the requirements of current Land Use Standards contained herein (Appendices 2-8), the following uses are allowed without a permit from the Commission:

- (1) Creation, alteration or maintenance of constructed ponds of less than 4,300 square feet in size within a P-WL2 or P-WL3 subdistrict which are not fed or drained by flowing waters, provided they are constructed

and maintained in conformance with the vegetative buffer strip requirements of Appendix 5,A;

- (2) Driveways associated with residential uses within P-WL 2 and P-WL3 subdistricts;
- (3) Filling, grading, draining, dredging or otherwise altering less than 4,300 square feet of a P-WL2 or P-WL3 subdistrict;
- (4) Land management roads in P-WL1 or P-WL2 subdistricts, that alter less than one acre of such subdistricts;
- (5) Level A road projects;
- (6) Mineral exploration to discover or verify the existence of mineral deposits, including the removal of specimens or trace quantities, provided such exploration is accomplished by methods of hand sampling, including panning, hand test boring and digging and other non-mechanized methods which create minimal disturbance and take reasonable measures to restore the disturbed area to its original condition;
- (7) Public and private hand-carry launches within a P-WL2 or P-WL3 subdistrict or within the normal high water mark of flowing waters, stream channels, or bodies of standing water.
- (8) Service drops for telephone or electrical service, including associated vegetative clearing, provided:
 - (a) the line extension does not cross or run beneath a coastal wetland, river, stream, or brook;
 - (b) the placement of wires or installation of utility poles is located entirely upon the premises of the customer requesting service, upon an established utility line easement, upon a roadway right-of-way or, in the case of telephone service, on existing utility poles; and
 - (c) the total length of the extension is less than 2,000 feet;
- (9) Signs;
- (10) Timber harvesting; and
- (11) Water crossings of minor flowing waters.

d. Uses Requiring a Permit

Subject to the requirements and limitations set forth herein and all applicable Development Restrictions (Appendix 1), conservation easements, and current Land Use Standards contained in the Appendices herein (Appendix 2-8), the following uses may be allowed upon issuance of a permit from the Commission pursuant to 12 M.R.S.A. §685-B, and in accordance with this concept plan.

- (1) Driveways associated with non-residential uses within P-WL2 and P-WL3 subdistricts; driveways associated with residential uses within P-WL2 and P-WL3 subdistricts which are not in conformance with the standards of Appendix 5,F; driveways within P-WL1 subdistricts;

- (2) Filling, grading, and dredging, other than for riprap associated with water crossings and except as provided for in Section D, 2.c(11), above;
- (3) Land management roads which are not in conformance with the standards of Appendix 5,C, or which will alter one acre or more of a P-WL1 or P-WL2 subdistrict;
- (4) Level B road projects, other than crossings of minor flowing waters as provided for in Section D, 2.b(11), above;
- (5) Shoreland alterations, excluding, marinas, permanent docking facilities, water access ways, trailered ramps, hand-carry launches, water crossings of minor flowing waters, and motorized recreational gold prospecting;
- (6) Hand-carry launches addressed in Section D, 2.b(7), above, which are not in conformance with the standards of Appendix 5,I;
- (7) Water crossings of minor flowing waters which are not in conformance with the standards of Appendix 5,C, and water crossings of tidal waters, bodies of standing water, and of major flowing waters;
- (8) Other structures, uses or services that are essential to the uses listed in Section D, 2. b through d, above; and
- (9) Other structures, uses or services, which the Commission determines are consistent with the purposes of this subdistrict and of the Comprehensive Land Use Plan and are not detrimental to the resources or uses which they protect.

e. Special Exceptions

Except as provided for in Section D, 2.b(1), the following uses may be allowed within P-WL Protection Subdistricts as special exceptions upon issuance of a permit from the Commission according to 12 M.R.S.A. §685-A(10) and subject to the applicable requirements set forth in Concept Plan provided that the applicant shows by substantial evidence that:

- (a) There is no alternative site which is both suitable to the proposed use and reasonably available to the applicant;
 - (b) The use can be buffered from those other uses or resources within the subdistrict with which it is incompatible; and
 - (c) Such other conditions are met that the Commission may reasonably impose in accordance with the policies of the Comprehensive Land Use Plan:
- (1) Level C road projects; and
 - (2) Hand-carry launches, except as provided for in Section D, 2. c and d.

f. Prohibited Uses

All uses not expressly allowed, with or without a permit or by special exception, shall be prohibited in P-WL subdistricts.

P-SL Shoreland Protection Subdistrict

3. The following land use standards apply for all those areas within the P-RP subdistrict designated Shoreland Protection (P-SL) on Map 5 of the Concept Plan, and those areas meeting the description, below.

a. Description

P-SL1: Areas within 250 feet of the normal high water mark, measured as horizontal distance landward of such high water mark, of flowing waters downstream from the point where such waters drain 50 square miles or more.

P-SL2: Areas within 75 feet, measured as a horizontal distance landward, of

- (a) The normal high water mark of stream channels upstream from the point where such channels drain 50 square miles;
- (b) The upland edge of those wetlands identified in Section D, 1 a, (1), b and (2) and (3); and
- (c) The normal high water mark of bodies of standing water less than 10 acres in size, but excluding bodies of standing water which are less than three acres in size and which are not fed or drained by a flowing water.

b. Uses Allowed Without a Permit

Subject to the requirements and limitations set forth herein and all applicable deeded covenants (Appendix 1), conservation easements, and Land Use Standards contained in the Appendices herein (Appendix 2-8), the following uses are allowed without a permit from the Commission:

- (1) Emergency operations conducted for the public health, safety or general welfare, such as resource protection, law enforcement, and search and rescue operations;
- (2) Forest management activities, except for timber harvesting;
- (3) Motorized vehicular traffic on roads and trails, and snowmobiling;
- (4) Non-permanent docking;
- (5) Primitive recreational uses, including fishing, hiking, hunting, wildlife study and photography, wild crop harvesting, trapping, horseback riding, tent and shelter camping, canoe portaging, cross country skiing, and snowshoeing;
- (6) Surveying and other resource analysis;
- (7) Trails, provided they are constructed and maintained so as to reasonably avoid sedimentation of water bodies; and
- (8) Wildlife and fishery management practices.

c. Uses Allowed Without a Permit Subject to Standards

Subject to the requirements and limitations set forth herein and all applicable Development Restrictions (Appendix 1), conservation easements, and subject to the requirements of current Land Use Standards contained herein (Appendices 2-8), the following uses are allowed without a permit from the Commission:

- (1) Creation, alteration or maintenance of constructed ponds of less than 4,300 square feet in size which are not fed or drained by flowing waters provided they are constructed and maintained in conformance with the vegetative buffer strip requirements of Appendix 5,A;
- (2) Driveways associated with residential uses;
- (3) Filling and grading;
- (4) Land management roads, and water crossings of minor flowing waters;
- (5) Level A road projects;
- (6) Mineral extraction, affecting an area less than 2 acres, for road purposes;
- (7) Public hand-carry launches;
- (8) Service drops;
- (9) Signs;
- (10) Timber harvesting; and
- (11) Water crossings of minor flowing waters.

d. Uses Requiring a Permit

Subject to the requirements and limitations set forth herein and all applicable Development Restrictions (Appendix 1), conservation easements, and current Land Use Standards contained in the Appendices herein (Appendix 2-8), the following uses may be allowed upon issuance of a permit from the Commission pursuant to 12 M.R.S.A. §685-B, and in accordance with this Concept Plan.

- (1) Campsites;
- (2) Driveways associated with residential uses which are not in conformance with the standards of Appendix 5,F;
- (3) Filling and grading, except as provided in Appendix 5,E, and draining, dredging, and alteration of water table or water level for other than mineral extraction;
- (4) Forest management activities which are not in conformance with the standards of Appendix 5,D;
- (5) Land management roads, and water crossings of minor flowing waters which are not in conformance with the standards of Appendix 5,C; water crossings of tidal waters, bodies of standing water, and of major flowing waters;
- (6) Level B and C road projects, other than crossings of minor flowing waters as provided for in Section D, 3 b(4), above;

- (7) Mineral extraction for road purposes affecting an area of 2 to 5 acres in size and such activities affecting an area of less than 2 acres which are not in conformance with the standards of Appendix 5,B;
- (8) Non-commercial structures for scientific, educational or nature observation purposes, which are not of a size or nature which would adversely affect the resources protected by this subdistrict;
- (9) Residential: Single family dwellings;
- (10) Shoreland alterations, excluding marinas, permanent docking facilities, water-access ways, trailered ramps, hand-carry launches and water crossings of minor flowing waters;
- (11) Public hand-carry launches addressed in Section D, 2c(7), above, which are not in conformance with the standards of Appendix 5, I, and private hand-carry launches;
- (12) Utility facilities, excluding service drop;
- (13) Other structures, uses or services that are essential for the exercise of uses listed in Section D, 3. b through d; and
- (14) Other structures, uses or services, which the Commission determines are consistent with the purposes of this subdistrict and of the Comprehensive Land Use Plan and are not detrimental to the resources or uses which they protect.

e. Prohibited Uses

All uses not expressly allowed, with or without a permit or by special exception, shall be prohibited in P-SL subdistricts.

P-FW Fish and Wildlife Protection Subdistrict

4. The following land use standards apply for all those areas within the P-RP subdistrict designated Fish and Wildlife Protection (P-FW) on Map 5 of the Concept Plan.

a. Description

This subdistrict shall include wildlife and fishery habitat the Commission determines are in need of special protection pursuant to the following standards:

- (1) Significant fish spawning nursery and feeding areas, critical habitat of endangered and threatened fish and wildlife species ascertained by state or federal agencies, and habitat of fish or wildlife species needing special protection by other means, including by a state fish or wildlife conservation plan.
- (2) The shelter portions of deer wintering areas when the following conditions are met:
 - (a) The following must be shown for all shelter portions of deer wintering areas proposed for a P-FW subdistrict:
 - (i) Documentation of use as a deer wintering area during a minimum of two years over the most recent 10 year period at the time of designation; for at least one of such years, such documentations shall be based upon ground observation by a wildlife biologist of the Department of Inland Fisheries and Wildlife during or following a period of winter conditions, but no later than May 1 in any year, showing extent of deer use for winter shelter as evidenced by deer tracks, current and past deer browsing, deer pellet depositions, and/or bedding sites, such that a population of at least 20 deer per square mile in the shelter area may be estimated. A P-FW subdistrict may be established for an area with an estimated population of fewer than 20 deer per square mile if, in the Commission's judgment, it is necessary to meet the purpose of the P-FW subdistrict. In this regard, the Commission may be guided by "Planning for Maine's Inland Fish and Wildlife Resources, 1986-1991", of the Maine Department of Inland Fisheries and Wildlife, and associated documents, including the white-tailed deer assessment and strategic plan, as they may be amended from time to time; and

- (ii) Occurrence of forest stands that are composed of over 50 percent conifer stems and contain a conifer crown closure of over 50 percent with predominant tree heights of over 35 feet; and
- (b) The Maine Department of Inland Fisheries and Wildlife (MDIFW) has submitted to the Commission a status report containing the following information:
 - (i) Deer population and deer habitat goals for the state and the applicable Wildlife Management District (WMD) – see Map 10.23,D-1;
 - (ii) Estimated current population of deer in the state and the applicable WMD;
 - (iii) Amount of land designated as P-FW subdistricts in the applicable WMD;
 - (iv) Existing information on the amount of deer wintering habitat in organized towns within the applicable WMD;
 - (v) Amount and location of land designated as P-FW subdistricts in the subject township and all townships abutting the subject township;
 - (vi) A qualitative and, if available, quantitative assessment, based on existing information, of the importance of the area proposed as a P-FW subdistrict to other wildlife species of particular significance, including those identified by state or federal agencies as Endangered, Threatened, Special Concern, Indeterminate Status, or Watch List; and
- (c) The combined area of the shelter portions of deer wintering areas designated as P-FW or P-4 subdistricts within the applicable WMD must not exceed 3.5% of the area of that WMD; and
- (d) The Department of Inland Fisheries and Wildlife has consulted with the landowner in one of the following ways:
 - (i) The Department of Inland Fisheries and Wildlife has offered, in writing, to the landowner whose land is under consideration for designation as a P-FW subdistrict the opportunity to accompany the Department and observe its ground survey of the area proposed for designation, and has met with the landowner following such survey for the purpose of reaching agreement as to the area to be designated as a P-FW subdistrict. In making its offer, the Department may require prior agreement by the landowner to reasonably limit activities that would affect designation of the area while it remains under consideration:
 - (a) If the parties have reached agreement regarding the area to be designated, the terms of such agreement must be submitted to the Commission. Such agreement will not compel the landowner to join in a petition to designate the area as a P-FW subdistrict;

- (b) If the parties are unable to reach agreement, the substance of and reasons for the disagreement must be reported in writing to the Commission by the Department and the landowner; or
- (ii) The Department of Inland Fisheries and Wildlife has not offered, in writing, to the landowner whose land is under consideration for designation as a P-FW subdistrict the opportunity to accompany the Department and observe its ground survey of the area proposed for designation, but has met with the landowner following its ground survey for the purpose of reaching agreement as to the area to be designated as a P-FW subdistrict:
 - (a) If the parties have reached agreement regarding the area to be designated, the terms of such agreement must be submitted to the Commission. Such agreement will not compel the landowner to join in a petition to designate the area as a P-FW subdistrict;
 - (b) If the parties are unable to reach agreement, the substance of and reasons for the disagreement must be reported to the Commission by the Department and the landowner. Notwithstanding that disagreement, if the Commission finds that the area meets the criteria for designation as a P-FW subdistrict and applies the P-FW designation to the area, within two years of the date of that subdistrict designation, the landowner may request reconsideration of the designation if the landowner has obtained new information indicating the area did not meet the criteria set forth in Section 10.23,D,2,b,(1) at the time of designation. The Commission will give the Department at least 90 days notice of its receipt of a request for reconsideration prior to deciding that request.
- (3) Upon request or agreement by the landowner, the configuration of a P-FW subdistrict may be modified in order to provide the subdistrict with boundaries of reasonably regular shape.
- (4) The provisions of Section 10.23,D,2,b, as amended on June 20, 1991, shall apply only to proposals to rezone areas to the P-FW subdistrict that are submitted to the Commission after June 20, 1991.
- (5) The Commission may change a P-FW subdistrict by reducing its size or by changing it to another subdistrict designation if it finds by substantial evidence that:
 - (a) The area designated as a P-FW subdistrict is no longer substantially used as a wintering area by deer and has not been so used for a period of ten years; and
 - (b) The change is consistent with the Comprehensive Land Use Plan; and
 - (c) The change is more appropriate for the protection and management of the resource within the affected area.

Alternatively, the Commission may approve such a subdistrict change if the owner of the affected land designated as P-FW and the Commissioner of the Department of Inland Fisheries and Wildlife agree that such change is appropriate or the area is not needed to meet the deer management objectives established by the Department.

Notwithstanding the above, where a P-4 or P-FW subdistrict has been established for the purposes of protecting a deer wintering area, that subdistrict shall not be reduced in size as a result of timber harvesting activities which would cause such subdistrict to no longer satisfy the requirements of Section 10.23,D,2,b,(1),(b).

b. Uses Allowed Without a Permit

Subject to the requirements and limitations set forth herein and all applicable Development Restrictions (Appendix 1), conservation easements, and current Land Use Standards contained in the Appendices herein (Appendix 2-8), the following uses are allowed without a permit from the Commission:

- (1) Emergency operations conducted for the public health, safety or general welfare, such as resource protection, law enforcement, and search and rescue operations;
- (2) Motorized vehicular traffic on roads and trails, and snowmobiling;
- (3) Non-permanent docking in the shelter portion of deer wintering areas;
- (4) Primitive recreational uses, including fishing, hiking, hunting, wildlife study and photography, wild crop harvesting, trapping, horseback riding, tent and shelter camping, canoe portaging, cross country skiing, and snowshoeing;
- (5) Surveying and other resource analysis;
- (6) Trails, provided they are constructed and maintained so as to reasonably avoid sedimentation of water bodies; and
- (7) Wildlife and fishery management practices.

c. Uses Allowed Without a Permit Subject to Standards

Subject to the requirements and limitations set forth herein and all applicable Development Restrictions (Appendix 1), conservation easements, and subject to the requirements of current Land Use Standards contained herein (Appendices 2-8), the following uses are allowed without a permit from the Commission:

- (1) Forest management activities and land management roads, provided that timber harvesting and land management road construction are carried out in conformance with the following:
 - (a) Applicant shall confer with the appropriate Biologist of the Department of Inland Fisheries and Wildlife as to how the proposed activity is to occur within the P-FW subdistrict; at the

- landowner's option, the applicant may also confer with a Forester of the Maine Forest Service;
- (b) If a plan acceptable to the parties cannot be reached stating how the proposed activity should occur, the applicant shall be required to obtain a permit from the Commission;
 - (c) If a plan acceptable to the parties can be reached, the applicant shall notify the Commission in writing with a copy of the field investigation report by the Biologist (and the Forester where he also has been consulted) which states how and over what time period the activity is to occur -- the notification letter shall be signed by the person responsible for the proposed activity and the field investigation report shall be signed by the Biologist (and the Forester, where applicable);
 - (d) Applicant may proceed with activity in conformity with the plan 14 days after notification to the Commission unless within such time period the Commission disapproves the plan;
 - (e) Applicant shall notify the Commission of completion of activity so that a follow-up field investigation may be carried out by the Commission or its designee;
- (2) Level A road projects;
 - (3) Mineral extraction for road purposes involving less than one (1) acre of land, provided that such activity is carried out in conformance with the following:
 - (a) Applicant shall confer with the appropriate biologist of the Department of Inland Fisheries and Wildlife for the purpose of developing a plan as to how the proposed activity is to occur within the P-FW subdistrict and within what time period;
 - (b) If a plan acceptable to the parties cannot be reached stating how the proposed activity should occur, the applicant shall be required to obtain a permit from the Commission;
 - (c) If a plan acceptable to the parties can be reached, the applicant shall submit a copy of the agreed-upon plan, signed by both parties, to the Commission;
 - (d) Applicant may proceed with activity in conformity with the plan 14 days following receipt of the plan by the Commission unless, within such time period, the Commission disapproves the plan;
 - (e) Applicant shall notify the Commission of completion of the activity so that a follow-up field investigation may be carried out by the Commission or its designee.
 - (4) Signs listed as exempt in Appendix 5,H; and
 - (5) Water crossings of minor flowing waters.

d. Uses Requiring a Permit

Subject to the requirements and limitations set forth herein and all applicable Development Restrictions (Appendix 1), conservation easements, and current Land Use Standards contained in the Appendices herein (Appendix 2-8), the following uses may be allowed upon issuance of a permit from the Commission pursuant to 12 M.R.S.A. §685-B, and in accordance with this concept plan.

- (1) Campsites;
- (2) Filling and grading;
- (3) Level B road projects;
- (4) Timber harvesting and land management roads for which agreement cannot be reached pursuant to Section 4, c (1) above;
- (5) Water crossings of minor flowing waters which are not in conformance with the standards of Appendix 5,C; water crossings of bodies of standing water and of major flowing waters;
- (6) Other structures, uses or services that are essential for uses listed in Sections D, 4. b through d; and
- (7) Other structures, uses, or services which the Commission determines are consistent with the purposes of this subdistrict and of the Comprehensive Land Use Plan and are not detrimental to the resources or uses which they protect.

e. Prohibited Uses

All uses not expressly allowed, with or without a permit or by special exception, shall be prohibited in P-FW subdistricts.

P-SG SOILS AND GEOLOGY PROTECTION SUBDISTRICTS

- 5. The following land use standards apply for all those areas within the P-RP subdistrict designated Soil and Geology Protection (P-SG) on Map 5 of the Concept Plan, and those areas meeting the description, below.**

a. Description

Areas, 10 acres or more in size, identified by the Commission as having average slopes greater than 60 percent, or areas, 10 acres or more in size, identified by the Commission as having unstable soil which, due to a combination of slope, vegetation, soil type and underlying geology, are subject to accelerated erosion or mass movement.

b. Uses Allowed Without a Permit

Subject to the requirements and limitations set forth herein and all applicable deeded covenants (Appendix 1), conservation easements, and Land Use Standards contained in the Appendices herein (Appendix 2-8), the following uses are allowed without a permit from the Commission:

- (1) Emergency operations conducted for the public health, safety or general welfare, such as resource protection, law enforcement, and search and rescue operations;
- (2) Forest management activities, excluding timber harvesting;
- (3) Motorized vehicular traffic on roads and trails, and snowmobiling;
- (4) Primitive recreational uses, including fishing, hiking, hunting, wildlife study and photography, wild crop harvesting, trapping, horseback riding, tent and shelter camping, canoe portaging, cross country skiing, and snowshoeing;
- (5) Surveying and other resource analysis; and
- (6) Wildlife and fishery management practices.

c. Uses Allowed Without a Permit Subject to Standards

Subject to the requirements and limitations set forth herein and all applicable deeded covenants (Appendix 1), conservation easements, and Land Use Standards contained in the Appendices herein (Appendix 2-8), the following uses are allowed without a permit from the Commission:

- (1) Level A road projects; and
- (2) Signs.

d. Uses Requiring a Permit

Subject to the requirements and limitations set forth herein and all applicable Development Restrictions (Appendix 1), conservation easements, and current Land Use Standards contained in the Appendices herein (Appendix 2-8), the following uses may be allowed upon issuance of a permit from the Commission pursuant to 12 M.R.S.A. §685-B, and in accordance with this Concept Plan.

- (1) Land management roads and water crossings;
- (2) Level B and road projects;
- (3) Timber harvesting;
- (4) Trails;
- (5) Other structures, uses, or services that are essential for the exercise of uses listed in Section D, 5. b through d; and
- (6) Other structures, uses or services, which the Commission determines are consistent with the purposes of this subdistrict and of the Comprehensive Land Use Plan and are not detrimental to the resources or uses which they protect.

e. Prohibited Uses

All uses not expressly allowed, with or without a permit, or by special exception, shall be prohibited in P-SG subdistricts.